



United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT
WASHINGTON, DC 20240-0001

AUG 12 2019

Mr. Thomas Brostrøm
Bay State Wind LLC
One International Place
100 Oliver Street, Suite 1400
Boston, Massachusetts 02110

Dear Mr. Brostrøm:

I am writing on behalf of the Bureau of Ocean Energy Management (BOEM), Office of Renewable Energy Programs (OREP) regarding Bay State Wind LLC's (Bay State Wind) regulatory departure request submitted pursuant to 30 C.F.R. § 585.103 on March 15, 2019, and resubmitted with corrections on April 16, 2019. Through this letter, BOEM approves Bay State Wind's departure request.

In its letter, Bay State Wind requested regulatory departures from submitting the following required information with its Construction and Operations Plan (COP) for commercial lease OCS-A 0500:

- **Geological survey results relevant to design and siting** (30 C.F.R. § 585.626(a)(2)), which requires geophysical survey results of inter-array and export cable routes;
- **Archaeological survey results as required by Section 106 of the National Historic Preservation Act (NHPA)**, (30 C.F.R. § 585.626(a)(5)), which requires the results of the archaeological resource survey with supporting data, including a description of the historic and prehistoric archaeological resources as required by the NHPA, as amended;
- **Overall site investigation** (30 C.F.R. § 585.626(a)(6)), which requires an integrated report detailing findings of the shallow hazards surveys and geologic surveys; and
- **Consistency certification** (30 C.F.R. § 585.627(a)(9)), which requires a copy of the consistency certification to be provided in accordance with the Coastal Zone Management Act.

Instead of submitting the above-referenced data with its COP, Bay State Wind proposes to submit it at a later date, but before BOEM issues a draft environmental impact statement and concludes its NHPA Section 106 consultations, as detailed further below.

Bay State Wind provided preliminary reports for marine archaeological resources, terrestrial archaeological resources, and historic properties with its COP submitted on March 19, 2019. In its departure request, Bay State Wind proposed to provide a Final Terrestrial Archaeological Resources Survey Report and Final Analysis of Visual Effects to Historic Properties in May 2019, contingent on permit approval by the Massachusetts Historical Commission. Bay State

Wind included a revised schedule for the submission of these reports with its updated COP submission dated July 1, 2019. The revised schedule states that these reports, as well as the required consistency certifications, will be provided in August 2019.

Additionally, Bay State Wind proposes to provide the Final Marine Site Investigation Report and Final Marine Archaeological Resources Assessment in December 2019.

BOEM agrees that Bay State Wind's proposed schedule will allow project details to be sufficiently finalized prior to submitting these required reports, while also providing BOEM with sufficient information to support its review of the COP and initiate required consultations with other federal and state agencies. However, Bay State Wind should be aware that any delays in the submittal of this required information may extend BOEM's timeline for reviewing the COP and reaching a COP approval decision. Specifically, later submittal of the archaeological results may increase the time BOEM requires to conduct review and consultation under Section 106 of the NHPA. BOEM therefore finds that the requested departures would facilitate appropriate lease activities in accordance with 30 C.F.R. § 585.103(a)(1) by providing Bay State Wind with the flexibility to submit a COP to initiate BOEM review before finalizing project details.

BOEM also finds that the requested departures comply with 30 C.F.R. § 585.103(b). Because Bay State Wind would not be able to receive COP approval or commence construction activities until BOEM has had an opportunity to review the full suite of information required to be submitted with the COP, these departures are consistent with subsection 8(p) of the Outer Continental Shelf Lands Act and protect the environment and the public health and safety to the same degree as if there were no approved departures. The departures also do not impair the rights of third parties.

BOEM therefore approves departures from §§ 585.626(a)(2), 585.626(a)(5), 585.626(a)(6), and 585.627(a)(9) to allow Bay State Wind to submit the required information to BOEM after COP submission but before BOEM issues a draft environmental impact statement and concludes its NHPA Section 106 consultations, in accordance with the schedule proposed by Bay State Wind and as described in this letter.

Please contact Mr. David MacDuffee at david.macduffee@boem.gov or (703) 787-1576 if you have any questions.

Sincerely,



James F. Bennett
Program Manager
Office of Renewable Energy Programs